

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

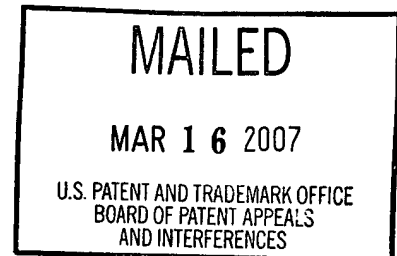
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*Ex parte* ANTHONY A. GALLO and TOM RAUGHT

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Application 10/644,791  
Technology Center 1700

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on November 15, 2006. A review has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

*APPEAL BRIEF*

Appellants filed an Appeal Brief which was received by the USPTO on June 7, 2006. The following sections lack required content:

*Status of Claims*

The content provided under the heading "**III. STATUS OF CLAIMS**" does not positively identify the claims which are on appeal. *See* 37 C.F.R. § 41.37(c)(1)(iii).

*Summary of Claimed Subject Matter*

The content provided under the section “**V. SUMMARY OF CLAIMED SUBJECT MATTER**” is not commensurate in scope with 37 C.F.R. § 41.37(c)(1)(v) because the content fails to identify each independent claim involved in the appeal, or identify each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section. Every means-plus-function and step-plus-function as permitted by 35 U.S.C. § 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the Specification by page and line number, and to the drawing, if any, by reference characters.

Correction is required with respect to the above-listed matters.

*Translations*

Full-text English translations for the following prior art references cited on page 2 of the July 24, 2006 Examiner’s Answer were not located in the Image File Wrapper (IFW):

11-269347	Japan (FUJII et al.)	10-1999
10-212396	Japan (SAITO et al.)	8-1998

It is important that the Examiner supply full-text English translations for these references before any further processing of this appeal can take place.

Accordingly, it is


*ORDERED* that the application is returned to the Examiner:

- (1) to instruct Appellants to provide a Supplemental Appeal Brief which fully complies with 37 C.F.R. § 41.37(c)(1)(v), (c)(1)(iii), and (c)(1)(v);

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- (2) have said Supplemental Appeal Brief made a part of the IFW Official record;
- (3) to supply complete translations for the references cited on page 2 of the Examiner's Answer mailed July 24, 2006 (11-269347 Japan (FUJII et al.), and 10-212396 Japan (SAITO et al.)) ;
- (4) to mail Appellants copies of the full-text English translations;
- (5) to have said translations scanned into the IFW Official record; and
- (6) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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PJN:hh

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